

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHARLES W. REED, III	§	
a/k/a DWIGHT BYRD	§	
TDCJ-CID #1366669	§	
	§	C.A. NO. C-07-190
v.	§	
	§	
LIEUTENANT A. GALLEGOS, ET AL.	§	

**ORDER DENYING PLAINTIFF'S *PRO SE* MOTION FOR
TEMPORARY RESTRAINING ORDER WITHOUT PREJUDICE**

This civil rights action was filed by a state prisoner pursuant to 42 U.S.C. § 1983.¹ Pending is plaintiff's pro se motion for a temporary restraining order. (D.E. 49). For the following reasons, plaintiff's motion is denied without prejudice.

I. BACKGROUND

On December 5, 2007, plaintiff notified the Court that he was transferred to the Michael Unit in Tennessee Colony, Texas. (D.E. 43). On December 10, 2007, he was appointed counsel. (D.E. 47).

In his pending pro se motion, plaintiff alleges that mail room personnel at the Michael Unit are barring him from sending out his outgoing legal correspondence. (D.E. 49, at 1). He further alleges that Ms. E. Miller, the Michael Unit mail room supervisor, told him that his outgoing legal mail will be inspected for contraband. Id. He asserts that motions that he has filed with this Court have been opened in front of him before being mailed to the Court. Id. Plaintiff argues that these actions by mail room officials violate his constitutional rights.

¹ The parties both consented to proceed before a magistrate judge, (D.E. 18, 44), and the action was subsequently reassigned. (D.E. 45).

II. DISCUSSION

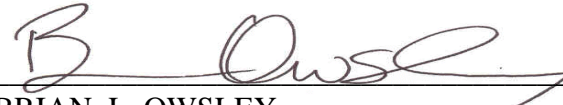
Plaintiff clearly has a right to access to the courts. Bounds v. Smith, 430 U.S. 817, 822 (1977); accord Jones v. Greninger, 188 F.3d 322, 325 (5th Cir. 1999) (per curiam). However, his allegations stem from events at the Michael Unit in Tennessee Colony, Texas, which is located in Anderson County. That county is within the jurisdiction of the Tyler Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(1). Thus, any constitutional claims against prison officials at the Michael Unit should be filed in the Tyler Division of the Eastern District of Texas. Accordingly, plaintiff's pro se motion for a temporary restraining order, (D.E. 49), is hereby DENIED without prejudice.

Additionally, it is hereby ORDERED that plaintiff may no longer file pro se motions without leave of the Court because he is represented by counsel. See United States v. Vampire Nation, 451 F.3d 189, 206-07 (3d Cir. 2006); United States v. Guadalupe, 979 F.2d 790, 795 (10th Cir. 1992); see also United States v. Gwiazdzinski, 141 F.3d 784, 787 (7th Cir. 1998) (striking pro se motion where litigant was represented by counsel). If plaintiff continues to file pro se motions, they will be construed as motions to represent himself in this action and his counsel may be terminated. Plaintiff's counsel is ORDERED to ensure that plaintiff receives a copy of this order.

III. CONCLUSION

For the reasons stated above, plaintiff's pro se motion for a temporary restraining order, (D.E. 49), is denied without prejudice.

Respectfully submitted this 26th day of December 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE